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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,337	11/08/2001	Tsai-Yun Yu	YU=39	5202

1444 7590 02/13/2003

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT PAPER NUMBER

3636

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,337

Applicant(s)

Tsai-Yun Yu

Examiner

Rodney B. White

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2002
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 9, the phrase “said elastic body being filled in said receiving space by molding” is unclear and confusing language. Earlier in the claim, the Applicant has defined the “main body” as being “provided with.....a wide rear portion, at least one receiving space disposed in the rear portion”, the “rear portion” being a part of the “main body” as defined on line 3. But the language “said elastic body being filled in said receiving space by molding” reads as if the “elastic body” has the “receiving space” and that the “receiving space” of “the elastic body” is “filled in by molding”. Or was the Applicant trying to define that the “receiving space” of the “main body” was filled in by the elastic body by molding the elastic body into “the receiving space”?

In claim 3, “the left and right sides of the rear portion” lack antecedent basis.

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Regarding claim 7, the phrase "knitlike" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "knitlike"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

The aforementioned problem renders the claim vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yu (Us. Patent No. 6,095,601).

Yu teaches a base for a bicycle saddle comprising a main body 12 of a rigid plastic material and provided with a narrow front portion, a wide rear portion, at least one receiving space that is either seen as a single receiving space or two receiving spaces since longitudinal rib 34 can be seen as dividing the "single" space into two receiving spaces, the receiving space(s) disposed in the rear portion, a plurality of supporting bars 32,34 suspended in the receiving space and defining a plurality of hollows in the receiving space, at least one elastic body 40 made of a

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plastic material of a hardness smaller than the hardness of the plastic material of which the main body is made, the elastic body being filled in the receiving space by molding such that the hollows are filled with the elastic body and that the supporting bars and the elastic body are interconnected

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Terry (U.S. Patent No. 5,165,752) and Bigolin (U.S. Patent No. 5,387,024).

Yu teaches the structure substantially as claimed but does not teach another receiving space disposed in the middle portion of the main body in front of the at least one receiving space. However, Terry and Bigolin teach a receiving space adapted to be disposed in the middle portion of the main body in front of a receiving space, which would provide a space for inserting a cushioning means to further dampen vibrations from the bicycle frame in other specific areas as well as provide greater comfort in that area or provide an area for inserting an element that promotes better air circulation.

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7. Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu in view of Morrow (U.S. Patent No. 524,068).

Yu teaches the structure substantially as claimed but does not teach arrangement of the supporting bars in the at least one receiving space. However, Morrow teaches supporting bars that are arranged in a meshed, over-lapping, and parallel manner to create a cellular structure having hollows defined therein in the receiving space, which would provide a sturdier space for inserting a cushioning means to further dampen vibrations from the bicycle frame in other specific areas as well as provide greater comfort in that area or provide an area for inserting an element that promotes better air circulation.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mesinger, Granger, Smith, Meisselbach et al, Mesinger, Hughes, Hsh, Huang, Barnes, and Yu teach bicycle saddles with similar structure and concepts as the present invention.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner White whose telephone number is (703) 308-2276.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo, can be reached on (703) 3080-827. The fax phone number for the organization where this application or proceeding is assigned is:

Official Amendment:

(703) 872-9326



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Official After-Fial Amendment: (703) 872-9327

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Rodney B. White,
Patent Examiner
Art Unit 3636
February 7, 2003